

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,)	CRIMINAL NO. 23-CR-333 (ECT/LIB)
)	
v. Plaintiff,)	
)	DEFENDANT’S POSITION
CRAIG JAMES MYRAN,)	REGARDING SENTENCING
)	
Defendant.)	

Introduction

COMES NOW, Defendant, Craig James Myran (“Myran”), by and through his undersigned attorney, Kevin W. DeVore, submits this sentence position pursuant to Rule 83.10(e) of the Local Rules of the United States District Court for the District of Minnesota. Myran respectfully requests the Court to sentence him to a term of imprisonment of not more than 180 months total on all counts. Such a sentence is sufficient, but not greater than necessary, to satisfy the intended purpose of sentencing under the guidelines and the law.

Procedural History

On November 3, 2023, Myran was charged by four-count Indictment alleging: Advertisement of Child Pornography (Counts 1 and 2) in violation of 18 U.S.C. § 2251(d), (e); Distribution of Child Pornography (Count 3) in violation of 18 U.S.C. § 2252A(a)(2), (b)(2); and Possession of Child Pornography (Count 4) in violation of 18 U.S.C. § 2252A(a)(5)(B), (b)(2).

On November 20, 2024, after a three-day trial, a jury convicted Myran on all four counts as charged in the Indictment.

Nature and Circumstance of the Offense

At trial, the government proved that Myran for years actively contributed to dark-web sites that were accessible on The Onion Router (“TOR”) Network and known by law enforcement to be trafficking in child sexual abuse material (“CSAM”). The jury found that Myran was in fact the person who used the alias “Solid Morph” as a username on certain dark-web sites where he posted an exchanged CSAM with other users. When the government executed a search warrant at Myran’s apartment on or about December 8, 2022, they confiscated electronics and hard drives, some of which contained images of CSAM. The jury found that Myran was in possession of the electronics and hard drives that contained CSAM and therefore convicted him on the corresponding counts. (PSR ¶¶7-15.)

Criminal History of Defendant

Myran has very minimal previous criminal history and only one point was calculated in the PSR. (PSR ¶ 45.) Myran has a total of one criminal history point, which places him in criminal history category I. (PSR ¶ 46.)

The PSR recommended that Myran has an adjusted offense level of 39 and a criminal history Category I. (PSR ¶ 80.) This results in a recommended guideline range of 262 to 327 months. (PSR ¶ 80.) Counts I and II require a minimum term of imprisonment of 15 years minimum with a maximum term of 30 years. (PSR ¶ 79.) Count

III requires a minimum term of imprisonment of 5 years and a maximum term of 20 years. (PSR ¶ 79.)

Myran has objected to the four-level enhancement at Paragraph 25 of the PSR for the portrayal of sadistic or masochistic conduct as Myran does not believe any image or video in this case depicts masochistic or sadistic conduct as defined by law. (PSR ¶ A.1.) Additionally, Myran objects to the two-level enhancement for committing perjury as recommended in paragraph 33 of the PSR. (PSR ¶ 33.) The PSR is trying to penalize Myran for testifying on his own behalf when he testified that he was not the person known as “Solid Morph” and was not aware of CSAM on any hard drive or device that he owned or possessed. Simply because a jury found Myran guilty of the charges does not mean he committed perjury. Accordingly, we ask the court to deny probation’s request for the two-level enhancement under that provision. (PSR ¶ 33.)

As a result, if the perjury enhancement is removed, the adjusted offense level should be 37. This would result in a recommended guideline range of 210 to 262 months. Additionally, if the sadistic or masochistic enhancement is removed, the adjusted offense level would be 33 and would carry a guideline sentence of 135 to 168 months. The mandatory minimum remains at 180 months.

History and Characteristics of Defendant Myran

Mr. Myran was born on June 18, 1977, in Bemidji, MN and he is 47 years old (PSR ¶ 51.) His father is deceased and his mother, Bertha Morrison, is 68 years old and lives in Bemidji. Myran has one sibling, a younger brother who also lives in Bemidji. (PSR ¶ 51.)

Myran generally had a good family life, but it was not perfect and there were times where his family was poor and “dirty”. (PSR ¶ 52.) There were times during his adolescence and teenage years that Myran was homeless and moved around living at various places after he had moved out of his parents’ home. (PSR ¶ 52.) Myran struggled with relationships and interacting with others socially throughout his life. Although he does have two children, ages 25 and 21, he has not had any contact with them in years. He also has no relationship with the mother of his two children. (PSR ¶ 55.)

Myran is of genuinely good health physically but has suffered throughout his life with mental health and behavioral issues since he was approximately 19 years old. (PSR ¶ 61.) He has been diagnosed with anxiety and depressive disorder and has received medication for his symptoms. (PSR ¶ 61.) He has also received mental health services regularly and in May of 2024 he participated in a court-ordered psychological forensic evaluation with the BOP at the Metropolitan Detention Center in Los Angeles, where he was diagnosed with generalized anxiety disorder with panic attacks and an unspecified depressive disorder. (PSR ¶ 62.)

Myran has been a regular user of drugs especially marijuana which he has used regularly since he was 16 years of age. (PSR ¶ 61.) Myran attended Bemidji High School in Bemidji, Minnesota but had poor grades and was disciplined several times for truancy. Ultimately, Myran was expelled during the 12th grade for his poor attendance and performance. Eventually, he earned his GED certificate. (PSR ¶ 69.) Myran also attended some college and took college course work at Leach Lake Tribal College and one semester

at Bemidji State University. (PSR ¶ 69.) Myran has also maintained various types of employment during his life but has been unemployed of late. (PSR ¶¶ 71-76.)

The Needs of Sentencing

This case is a serious one and the charges against the defendant for which he was convicted by a jury are significant. Accordingly, the sentence also needs to be significant. That said, a sentence of 180 months is a significant sentence. The sentencing guidelines related to child pornography cases are draconian and far beyond what is reasonably necessary to meet the purpose and needs of sentencing.

Considering the § 3553(a) factors as a whole, Myran asks the Court to impose a sentence of 180 months. This sentence would serve the needs of sentencing to reflect the seriousness of the offenses, to promote respect for the law, to provide just punishment, to afford adequate deterrence, to protect the public from further crimes of the defendant, and to avoid unwarranted sentencing disparities among defendants.

WHEREFORE, Mr. Myran asks this Honorable Court to impose a sentence of 180 months.

Respectfully submitted,

DEVORE LAW OFFICE, P.A.

Dated: March 12, 2025

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